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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,597	02/15/2005	Roger Edwin Clarke	534334-XXX	8841
7590	05/31/2007		EXAMINER	
Theodore D Lienesch			LIEU, JULIE BICHNGOC	
Thompson Hine			ART UNIT	PAPER NUMBER
2000 Courthouse Plaza NE				2612
10 West Second Street				
Dayton, OH 45402-1758				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No.	Applicant(s)	
	10/524,597	CLARKE ET AL.	
	Examiner	Art Unit	
	Julie Lieu	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 February 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 13-29, 31 and 48-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 13-29, 31, and 48-50 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. This Office action is in response to Applicant's preliminary amendment filed February 14, 2007. Claims 1-12, 30, and 32-47 have been canceled. New claims 49-50 have been added.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

3. Claims 13, 14, 16, 17, 19-24, 26-29, 31, and 48-50 are rejected under 35 U.S.C. 102(e) as being anticipated by Crabtree et al. (US 2003/0034887 A1).

Claim 13:

Crabtree discloses a locating device 10 for use in a locating system comprising said locating device and a further device 11, the further device comprising transmission means 33 for transmitting an electromagnetic signal towards the locating device 10, the electromagnetic signal having a signature associated with the further device; the locating device comprising:

- a. signature storage means (represented by fig. 4 and para [0016]) for storing a representation of the signature of the further device;
- b. at least three spaced antennas (figs. 7A and 7B) for receiving the electromagnetic signal;

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- c. switching means 66 for switching the at least three antennas in such a way as to obtain a Dopplescant effect; and
- d. processing means 60 for processing the electromagnetic signal as received so as to detect the signature of the received signal, and to compare the signature as detected with the representation of the signature as stored; and
- e. and outputting means 46 for producing, if the signature as detected corresponds to the representation of the signature as stored, an output indicative of the direction of the further device with respect to the locating device.

See figs 5, 6, 7A, and 7B. Also see paras. [0024] and [0028].

Claim 14:

The locating device 10 includes at least four spaced antennas. Fig. 9.

Claim 16:

The device in Crabtree also comprises a distance determining means for determining the distance between the locating device and the further device, wherein the locating device is arranged to produce an output indicative of the distance between the locating device and the further device. See fig. 5.

Claim 17:

The distance determining means 32 comprises means for causing one of the antennas to transmit a further electromagnetic signal towards the further device, means for causing one of said antennas to receive a return signal from the further device, time measuring means for measuring the time between transmission of the further signal and receipt of the return signal,

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and estimating means for estimating the distance between the locating device and the further device based on the measured time. See para. [0074].

Claim 19:

The outputting means 46 comprises a display for displaying the direction of the further device with respect to the locating device. Fig. 5.

Claim 20:

The display 46 is further arranged to display the distance between the locating device and the further device. Fig. 5.

Claim 21:

Crabtree disclose a notifying means for notifying a user if the distance between the locating device and the further device is larger than a predetermined value. See paras. [0127], [0130], and [0132].

Claim 22:

The locating device in Crabtree further comprises means for alerting a user if no electromagnetic signal is received from the further device. Para. [0130].

Claim 23:

The locating device in Crabtree comprises means for causing one of the antennas to transmit an initial electromagnetic signal, which is arranged to cause the further device to transmit the electromagnetic signal. Para. [0061].

Claim 24:

The locating device 10 is arranged to communicate with two or more the further devices, wherein the signature storage means is arranged to store the signatures of each further device, the

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signatures of each further device being different, and wherein the outputting means is arranged to produce an output indicative of the direction and/or the distance of each further device with respect to the locating device. Figs. 4 and 5.

Claim 26:

The locating device 10 further comprising means for enabling a user to select a further device, and wherein the outputting means produces an output indicative of the direction and/or the distance for the selected further device with respect to the locating device. Para. [0061].

Claim 27:

Crabtree discloses that the locating device is arranged to receive battery charging level information from each further device, and the outputting means is arranged to produce an output indicative of the battery charging level of the or each further device, based on the battery charging level information. Para. [0082].

Claim 28:

The locating system in Crabtree includes one or more of further devices 11.

Claim 29:

The further device 11 is arranged to be carried or worn by a person, preferably a child. Paras. [0060] or [0087].

Claim 31:

The rejection of claim 31 recites the rejection of claim 13, except it is a method claim.

Claim 48:

The rejection of claim 48 recites the rejection of claim 29, except it is a method claim.

Claims 49-50:

The locator device and the further device in Crabtree are battery powered.

Claim Rejections - 35 USC § 103

4. Claims 15, 18, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crabtree et al. (US 2003/0034887 A1).

Claim 15:

The antennas used in Crabtree are omni directional antennas. However, it would have been obvious to one skilled in the art to use unidirectional antennas in Crabtree as desired because they are functionally equivalent so long as the neighboring areas are covered by overlapping of the unidirectional antennas.

Claim 18:

Though not clearly disclosed by Crabtree, it would have been obvious to one skilled in the art to cause the antenna which is closest to the further device to transmit the further signal because it is desirable to measure the shortest distance between the locating device and the further device.

Claim 25:

It appears that the outputting means 46 does not produce simultaneously for each further device an output indicative of the direction and/or the distance with respect to the locating device. However, it would have been obvious to one skilled in the art to modify the system in Crabtree to produce simultaneous output indicative of the direction and/or distance for each further device because it would be informative to a user.

Applicant's Arguments

5. The Applicant has argued that the locator device of the Crabtree reference does not appear to check the coding information of the signal returned by the transceiver device and there does not appear any incentive to modify the technique disclosed in the Crabtree reference.

Response to Applicant's Arguments

6. It should be noted that the frequency of the return signal represents its signature. The argued "coding information of the signal" is not recited in the claim. Therefore, the Applicant's argument is not deemed persuasive, and therefore the rejection is maintained.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Julie Lieu
Primary Examiner
Art Unit 2612

May 22, 07